

## **2013 DRAFTING REQUEST**

### **Bill**

Received: **2/6/2014** Received By: **tkuczens**  
Wanted: **As time permits** Same as LRB:  
For: **Jill Billings (608) 266-5780** By/Representing: **Kathy Divine**  
May Contact: Drafter: **tkuczens**  
Subject: **Ethics** Addl. Drafters: **jkreye**  
Extra Copies: **JTK**

Submit via email: **YES**  
Requester's email: **Rep.Billings@legis.wisconsin.gov**  
Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**  
**joseph.kreye@legis.wisconsin.gov**

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### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Ethics training for legislators, filing and contents of statement of economic interest, apply standards of conduct to officials-elect

---

### **Instructions:**

Compile of LRB-3680, 3682, 3683, 3684

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 2/6/2014		jmurphy 2/6/2014	_____			
/P1	tkuczens 3/4/2014	kfollett 3/4/2014	rschluet 2/7/2014	_____	mbarman 2/7/2014		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			jfrantze 3/4/2014	_____ _____	mbarman 3/4/2014	lparisi 3/13/2014	

FE Sent For:

<END>

NOT  
NEEDED

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/P1	tkuczens 2/7/2014	kfollett 2/7/2014 11/5f 3/4	rschluet 2/7/2014 11/5f 3/4		mbarman 2/7/2014		

FE Sent For:

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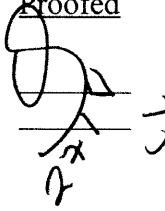
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### Instructions:

Compile of LRB-3680, 3682, 3683, 3648

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/?	tkuczens	1/11/5 f 2/7	jm 2/6 1/11/5 f 2/7				
FE Sent For:							

<END>

February 6, 2014

For Rep. Billings (per Kathy Divino)

Prepare a compile of: LRB 3680

LRB 3682

LRB 3683

LRB 3684

ASAP

For -3682: take out those sections that change the date on which first time candidates must file statements of economic interest (retain requirement that statements be submitted 3 days after nomination papers are submitted)

For -3680 see email dated 1/27/14 from Kathy

February 28, 2014

T. conversation w/ Brian Larson (Leg. Council)

1. p. 3, lines 7-9: change language surrounding per diem so that a legislator forfeits per diem only if he or she has not completed the ethics training by the end of the last day during the 3 month period during which the training is offered by GAB

2. Remove language on p. 6, line 22 that prohibits GAB from waiting a filing deadline.



## Kuczenski, Tracy

---

**From:** Divine, Kathy  
**Sent:** Monday, January 27, 2014 1:42 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Submitted: LRB -3680/1 Topic: Ethics training for legislators?body=

Hi Tracy,

Okay, decisions have been made. Here are the changes we would like made to this draft.

1. Change 4 hours to 2 hours *after 1st election*
2. Change the time frame to complete the training within 3 months of taking the oath of office. *1 hr. after subsequent (reelection) unless a break in time left 2 elections in which case 2 hrs.*
3. Finally, Rep. Billings would like to add an accountability/penalty for not attending. She would like to tie attendance to per diem; meaning if you did not attend the full training you could not collect per diem for that day. I am told, by NCSL, that other states practice this—however, I've not found language in statute that concurs this. Below is a chart NCSL provided of who mandates training, that might be helpful. I was told by the WI GAB that staff are incentivized to go, as if they do not attend, pay will be withheld. However, this is not in statute, but by rule, and the interpretation of said rule.

*on that day*  
So, please give me a call on this when you get a chance to discuss further.

On this page you will see links to three charts. Chart 3 is legal mandates and mandatory attendance by public officials.

[http://www.ncsl.org/research/ethics/ethics-commissions-ethics-training.aspx#Legal\\_Mandates](http://www.ncsl.org/research/ethics/ethics-commissions-ethics-training.aspx#Legal_Mandates)

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**From:** Kuczenski, Tracy  
**Sent:** Tuesday, January 21, 2014 1:58 PM  
**To:** Divine, Kathy  
**Subject:** RE: Submitted: LRB -3680/1 Topic: Ethics training for legislators?body=

Okay. I'll await further instructions...

Tracy K. Kuczenski  
Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

---

**From:** Divine, Kathy  
**Sent:** Tuesday, January 21, 2014 12:27 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Submitted: LRB -3680/1 Topic: Ethics training for legislators?body=

Tracy,

Hold on the changes regarding the time frame for completing the training. There is an idea about tying it to per diem (I guess other states do this), so if that were the case, the time frame would need to change until after the member was sworn in.

Thanks,

Kathy

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**From:** Kuczenski, Tracy  
**Sent:** Tuesday, January 21, 2014 11:34 AM  
**To:** Divine, Kathy  
**Subject:** RE: Submitted: LRB -3680/1 Topic: Ethics training for legislators?body=

Sounds good. I'll talk with my colleagues about whether a penalty is constitutionally appropriate/permitted for an elected official.

Tracy K. Kuczenski  
*Senior Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

---

**From:** Divine, Kathy  
**Sent:** Tuesday, January 21, 2014 11:32 AM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Submitted: LRB -3680/1 Topic: Ethics training for legislators?body=

Okay, I'll do some digging and get back to you on a possible last change for a "penalty"

Thanks,

Kathy

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**From:** Kuczenski, Tracy  
**Sent:** Tuesday, January 21, 2014 11:31 AM  
**To:** Divine, Kathy  
**Subject:** RE: Submitted: LRB -3680/1 Topic: Ethics training for legislators?body=

As far as I know, there is no requirement that staff take the training; only that the GAB offer it.

Tracy K. Kuczenski  
*Senior Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

---

**From:** Divine, Kathy  
**Sent:** Tuesday, January 21, 2014 11:29 AM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Submitted: LRB -3680/1 Topic: Ethics training for legislators?body=

Okay, thanks.

Any suggestions on penalties? What is the penalty for staff if they do not complete the training? I'm also going to email NCSL to see what other states do.

Thanks,

Kathy

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**From:** Kuczenski, Tracy  
**Sent:** Tuesday, January 21, 2014 11:28 AM  
**To:** Divine, Kathy  
**Subject:** RE: Submitted: LRB -3680/1 Topic: Ethics training for legislators?body=

Hi Kathy –

Currently there is no penalty; being sworn in is conditioned on having completed the training.

Tracy

Tracy K. Kuczenski  
*Senior Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

---

**From:** Divine, Kathy  
**Sent:** Tuesday, January 21, 2014 11:26 AM  
**To:** Kuczenski, Tracy  
**Subject:** Submitted: LRB -3680/1 Topic: Ethics training for legislators?body=

Hi Tracy,

I wanted to make a few changes to this draft.

1. Change the hours of training to 2 hours (instead of 4)
2. Change the time frame to complete the training within 3 months of certification of the election.

Also, at this point, is there a penalty matched in another part of the statute? As currently drafted, if a legislator didn't complete the training, what would happen?

If you have questions, call or email.

Thanks,

Kathy

Kathy Divine  
Office of State Representative Jill Billings  
Assembly District 95  
State Capitol – 307W  
608-266-5780  
888-534-0095  
[kathy.divine@legis.wisconsin.gov](mailto:kathy.divine@legis.wisconsin.gov)

\$88/day for outside Dane Cty  
\$100 for in Dane County

(608) 213-3702

COMPONENT DRAFT      ACTION

-3682/P1      8.10 (5) of the statutes is amended to read:  
-3682/P1      8.15 (4) (b) of the statutes is amended to read:  
-3682/P1      8.20 (6) of the statutes is amended to read:  
-3682/P1      8.50 (3) (a) of the statutes is amended to read:  
-3680/1      13.025 of the statutes is created to read:  
-3683/P2      19.42 (12) of the statutes is amended to read:  
-3682/P1      19.43 (1) of the statutes is amended to read:  
-3682/P1      19.43 (2) of the statutes is amended to read:  
-3682/P1      19.43 (2m) of the statutes is created to read:  
-3682/P1      19.43 (3) of the statutes is amended to read:  
-3682/P1      19.43 (4) of the statutes is amended to read:  
-3682/P1      19.43 (8) of the statutes is amended to read:  
-3682/P1      19.44 (1) (a) (intro.) of the statutes is amended to read:  
-3682/P1      19.44 (1) (b) of the statutes is renumbered 19.44 (1) (b) (intro.) and amended to read:  
-3682/P1      19.44 (1) (b) 1. of the statutes is created to read:  
-3682/P1      19.44 (1) (c) of the statutes is amended to read:  
-3683/P2      19.44 (1) (cd) of the statutes is created to read:  
-3683/P2      19.44 (1) (ce) of the statutes is created to read:  
-3682/P1      19.44 (1) (d) of the statutes is amended to read:  
-3683/P2      19.44 (1) (fm) of the statutes is created to read:  
-3648/1      49.45 (29w) of the statutes is created to read:  
-3682/P1      Section 16. Initial applicability.  
-3683/P2      Section 5. Initial applicability.

Compiling '13-4217/P1'...

Parsing Compile List...

Removing duplicates...

There are 4 component drafts...

Exporting Target Draft...

Processing component drafts...

13-3680

13-3682

13-3683

13-3648

There are 23 sections...

Sorting sections...

Generating Sort List...

Combining nonstat sections...

Updating relating clause...

Updating Analysis...

removing existing analysis

adding new analysis

Updating sections...

removing existing sections

adding new sections

Writing target draft...

Checking in target draft ...

\*\*\*\*\*

SortList:

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

\*\*\*\*\*

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-3683/P2	19.42 (12) of the statutes is amended to read:
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-3683/P2	Section 5. Initial applicability.

\*\*\*\*\*

SortList has been copied to Windows clipboard

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

Success

(2 sec. 106 ms.)

**Barman, Mike**

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, February 06, 2014 1:57 PM  
**To:** Parisi, Lori; Barman, Mike; Rose, Stefanie; Basford, Sarah  
**Subject:** -4217 is a compile

The request sheet contains the drafts that were compiled.

Appendix  
Needed

see  
following  
page

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/P1	tkuczens			_____			State S&L





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-4217/P1

TKK...

stays  
JK inserts  
sac/leg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2/7/14 wanted today

Gen

making the code of ethics applicable to state public officials-elect; and

1 AN ACT ...; relating to: ethics training for legislators-elect; the requirement to  
2 file and the required content of statements of economic interest; the statement  
3 of economic interests for public officials and employees; mental health benefits  
4 and reimbursement for mental health services under the Medical Assistance  
5 program.

Analysis by the Legislative Reference Bureau

\*\*\* ANALYSIS FROM -36801 \*\*\*

Currently, the Government Accountability Board (GAB) administers programs to explain the laws that regulate lobbying and prescribe codes of ethics for state public and elected officials. These programs are offered to state public officials, elective public officials, and candidates for public office, among others. This bill requires each member of the legislature to complete four hours of ethics training administered by GAB prior to taking the oath of legislative office.

\*\*\* ANALYSIS FROM -3682/PI \*\*\*

Current law requires state public officials and nominees and candidates for state public office to file statements of economic interests with the Government Accountability Board (board). Current law defines "state public official" to include individuals appointed to their office, such as appointees of the governor, and individuals elected into office, such as members of the state assembly and state senate, the governor, and state supreme court justices. This bill makes changes to the requirements to file and to the content of these statements, including the following:

Insert Analysis TK-A

and one hour of ethics training after being reelected in any immediately succeeding election

the board within three months after

required to be

1. Currently, a state public official who serves in office during January of any year must file a statement of economic interests with the board covering the preceding calendar year no later than April 30 following the calendar year. This bill changes the filing deadline to February 28.

2. Currently, a state public official, an appointee to a state public office, or a nominee or candidate for state public office must file a statement of economic interests that is current as of a date specified by law. In addition to other information, the statement identifies certain organizations with which the individual or a member of his or her immediate family is associated or has an ownership interest, and certain creditors and real estate holdings of the individual or a member of his or her immediate family. This bill requires this information to be provided for the 12-month period preceding and ending on the date for which the information is currently provided.

5. <sup>JK</sup> Currently, a state public official who serves in office during January of any year and who assumes that office or another state public office in that same month or who is nominated for appointment to that office or another state public office in that same month is subject to the requirement to file a regular statement of economic interests, which must be current to December 31 of the preceding year, as well as a requirement to file a special statement of economic interests, which must be current to the date the official assumes office or the nominee is nominated. This bill provides that such an official or nominee is subject only to a requirement to file a statement of economic interests that is current to the date on which the official assumes office or the nominee is nominated.

4. Currently, a candidate for state public office who has not filed a statement of economic interests must file a statement no later than the third day following the last day for filing nomination papers for the office which he or she seeks, unless the candidate seeks an office held by an incumbent who does not seek reelection and did not announce his or her noncandidacy, in which case the deadline is one business day after the last day for filing nomination papers. The board may, on its own motion or at the request of any individual who is required to file a statement, extend the time for filing a statement. This bill changes the deadline for filing a candidate's statement to the last day permitted for the candidate to file nomination papers for the office which the candidate seeks (including any extended deadline), but requires the board to grant a three-day extension of the time prescribed by law for filing a statement only upon request of an individual who is required to file a statement of economic interests, and not the board's own initiative.

\*\*\* ANALYSIS FROM -3683/P2 \*\*\*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

\*\*\* ANALYSIS FROM -3648/1 \*\*\*

Under current law, the Department of Health Services (DHS) administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health and long-term care services to individuals who have limited resources. The MA program reimburses certified providers for providing services to MA recipients. Among the health benefits provided to MA recipients are mental

health services including, among others, mental health day treatment services and alcohol and other drug abuse services; psychiatric services; mental health and psychosocial rehabilitative services and case management services provided by a community support program; psychosocial and case management services provided by a community-based psychosocial service program; and mental health crisis intervention services.

This bill makes changes to MA program mental health benefits and reimbursement for certain mental health services. The bill requires DHS to allow a child experiencing a severe emotional disturbance to access in-home therapy without first showing a failure to succeed in outpatient therapy. DHS is required, under the bill, to allow certain families to participate in in-home therapy even if one of the children is enrolled in a day treatment program. The bill limits the elements that DHS may require on the prior authorization form used to obtain outpatient mental health services. The bill also specifies that mental health services provided through telehealth by Wisconsin-licensed physicians are reimbursable by the MA program even if that Wisconsin-licensed physician is located outside the state. Telehealth is the use of electronic information and telecommunication technology to provide long-distance health care and education.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 8.10 (5) of the statutes is amended to read:

2           8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy  
3           under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at  
4           the time he or she files nomination papers, the candidate shall file the statement  
5           with the papers. A candidate for state office or municipal judge shall also file a  
6           statement of economic interests with the board under s. 19.43 (4) no later than 4:30  
7           p.m. on the 3rd day following the last day for filing permitted for that candidate to  
8           file nomination papers under sub. (2) (a), or no later than 4:30 p.m. on the next  
9           business day after the last day whenever that candidate is granted an extension of  
10          time for filing nomination papers under sub. (2) (a).

11          **SECTION 2.** 8.15 (4) (b) of the statutes is amended to read:

8.15 (4) (b) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing permitted for that candidate to file nomination papers under sub. (1), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (1).

SECTION 3. 8.20 (6) of the statutes is amended to read:

8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing permitted for that candidate to file nomination papers under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (8) (a).

SECTION 4. 8.50 (3) (a) of the statutes is amended to read:

8.50 (3) (a) Nomination papers may be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 28 days before the day that the special primary will or would be held, if required, except when a special election is held concurrently with the spring election or general election, the deadline for filing nomination papers shall be specified in the order and the date shall

be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no later than 35 days prior to the date of the spring primary or no later than June 1 preceding the partisan primary. Nomination papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy in the manner provided in s. 8.21 no later than the latest time provided in the order for filing nomination papers. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board under s. 19.43 (4) no later than ~~the end of the 3rd day following 4:30 p.m. on~~ the last day for filing permitted for that candidate to file nomination papers specified in the order.

SECTION 5. 13.025 of the statutes is created to read:

(13) *Each* 13.025 Ethics training for members. (Before the oath of office may be  
(14) administered to any member of the legislature, the member shall complete 4 hours

of ethics training administered by the government accountability board under s.

19.48 (9) *within 3 months after taking the oath of office and shall complete one hour of ethics training within 3 months after taking the oath of office subsequent to any immediately succeeding election.*

SECTION 6. 19.42 (12) of the statutes is amended to read:

19.42 (12) "Security" has the meaning given under s. 551.102 (28), except that the term does not include a certificate of deposit, money market funds, mutual funds, or a deposit in a savings and loan association, savings bank, credit union, or similar association organized under the laws of any state.

SECTION 7. 19.43 (1) of the statutes is amended to read:

19.43 (1) Each individual who in January of any year is an official required to file shall file with the board no later than ~~April 30~~ February 28 of that year a statement of economic interests meeting each of the requirements of s. 19.44 (1). The

Insert  
5-17

Insert  
5-22

1 information contained on the statement shall be ~~current as of~~ provided for the period  
2 beginning on January 1 and ending on December 31 of the preceding year. This  
3 subsection does not apply to an official required to file who assumes office or is  
4 nominated in January of any year, with respect to the year in which the official  
5 assumes office or is nominated, if the official is required to file a report under sub.  
6 (2) or (3) in that year.

7 **SECTION 8.** 19.43 (2) of the statutes <sup>✓</sup> is amended to read:

8 19.43 (2) An official required to file shall file with the board a statement of  
9 economic interests meeting each of the requirements of s. 19.44 (1) no later than 21  
10 days following the date he or she assumes office if the official has not previously filed  
11 a statement of economic interests with the board during that year. The information  
12 on the statement shall be ~~current as per~~ provided for the period beginning one year  
13 prior to the date the official assumes office and ending on the date he or she assumes  
14 office.

15 **SECTION 9.** 19.43 (2m) of the statutes <sup>✓</sup> is created to read:

16 19.43 (2m) An official required to file shall file with the board a statement of  
17 economic interests meeting each of the requirements of s. 19.44 (1) no later than 21  
18 days following the date he or she leaves office if the official has not previously filed  
19 a statement of economic interests with the board within the 6 months preceding the  
20 date he or she leaves office. The information on the statement shall be provided for  
21 the period beginning one year prior to the date the official leaves office and ending  
22 on the date he or she leaves office.

23 **SECTION 10.** 19.43 (3) of the statutes <sup>✓</sup> is amended to read:

24 19.43 (3) A nominee shall file with the board a statement of economic interests  
25 meeting each of the requirements of s. 19.44 (1) within 21 days of being nominated

1 unless the nominee has previously filed a statement of economic interests with the  
2 board during that year. The information on the statement shall be ~~current as per~~  
3 provided for the period beginning one year prior to the date the nominee was  
4 nominated and ending on the date he or she was nominated. Following the receipt  
5 of a nominee's statement of economic interests, the board shall forward copies of such  
6 statement to the members of the committee of the senate to which the nomination  
7 is referred.

8 **SECTION 11.** 19.43 (4) of the statutes is amended to read:

9 19.43 (4) A candidate for state public office shall file with the board a statement  
10 of economic interests meeting each of the requirements of s. 19.44 (1) no later than  
11 4:30 p.m. on the ~~3rd day following the last day~~ permitted for filing that candidate to  
12 file nomination papers for the office which the candidate seeks, ~~or no later than 4:30~~  
13 ~~p.m. on the next business day after the last day whenever that candidate is granted~~  
14 ~~an extension of time for filing nomination papers or a declaration of candidacy under~~  
15 ~~s. 8.05 (1) (j), 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a),~~ no later than 4:30 p.m. on the 5th  
16 day after notification of nomination is mailed or personally delivered to the  
17 candidate by the municipal clerk in the case of a candidate who is nominated at a  
18 caucus, or no later than 4:30 p.m. on the 3rd day after notification of nomination is  
19 mailed or personally delivered to the candidate by the appropriate official or agency  
20 in the case of a write-in candidate or candidate who is appointed to fill a vacancy in  
21 nomination under s. 8.35 (2) (a). The information contained on the statement shall  
22 be ~~current as of~~ provided for the period beginning on January 1 of the year preceding  
23 the filing deadline and ending on December 31 of the year preceding the filing  
24 deadline. Before certifying the name of any candidate for state public office under  
25 s. 7.08 (2) (a), the government accountability board, municipal clerk, or board of

1 election commissioners shall ascertain whether that candidate has complied with  
2 this subsection. If not, the government accountability board, municipal clerk, or  
3 board of election commissioners may not certify the candidate's name for ballot  
4 placement.

5 **SECTION 12.** 19.43 (8) of the statutes<sup>✓</sup> is amended to read:

6 19.43 (8) ~~On its own motion or at~~ At the written request of any individual who  
7 is required to file a statement of economic interests, received by the board prior to  
8 the latest time prescribed by law for filing the statement, the board ~~may~~ shall extend  
9 the time for filing ~~or a statement by 3 days. On its own motion or at the request of~~  
10 any individual who is required to file a statement of economic interests, the board  
11 may waive any filing requirement, other than a filing deadline, if the board  
12 determines that the literal application of the filing requirements of this subchapter  
13 would work an unreasonable hardship on that individual or that the ~~extension of the~~  
14 ~~time for filing or~~ waiver is in the public interest. The board shall set forth in writing  
15 as a matter of public record its reason for the ~~extension or~~ waiver.

16 **SECTION 13.** 19.44 (1) (a) (intro.)<sup>✓</sup> of the statutes is amended to read:

17 19.44 (1) (a) (intro.) The identity of every organization with which the  
18 individual required to file is was associated during the period to which the statement  
19 applies and the nature of his or her association with the organization, except that no  
20 identification need be made of:

21 **SECTION 14.** 19.44 (1) (b) of the statutes<sup>✓</sup> is renumbered 19.44 (1) (b) (intro.) and  
22 amended to read:

23 19.44 (1) (b) (intro.) The identity of every organization or body politic in which  
24 the individual who is required to file or that individual's immediate family, severally  
25 or in the aggregate, ~~owns~~ owned, directly or indirectly, during the period to which the



1 statement applies, securities having a value of \$5,000 or more, the identity of such  
2 securities and their approximate value on the last day of that period or on the date  
3 that the securities were disposed of, whichever is earlier, except that no:

4 2. No identification need be made of a security or issuer of a security when it  
5 is issued by any organization not doing business in this state or by any government  
6 or instrumentality or agency thereof, or an authority or public corporation created  
7 and regulated by an act of such government, other than the state of Wisconsin, its  
8 instrumentalities, agencies and political subdivisions, or authorities or public  
9 corporations created and regulated by an act of the legislature.

10 SECTION 15. 19.44 (1) (b) 1. of the statutes is created to read:

11 19.44 (1) (b) 1. Identification of a security issued by an organization is required  
12 only if the security consists of an ownership interest in a particular profit-making  
13 business or an industry group.

14 SECTION 16. 19.44 (1) (c) of the statutes is amended to read:

15 19.44 (1) (c) The name of any creditor to whom the individual who is required  
16 to file or such individual's immediate family, severally or in the aggregate, ~~owes~~ owed  
17 \$5,000 or more during the period to which the statement applies and the maximum  
18 approximate amount owed during that period.

19 SECTION 17. 19.44 (1) (cd) of the statutes is created to read:

20 19.44 (1) (cd) The identity of any person, other than a relative, who owes the  
21 individual who is required to file \$5,000 or more.

22 SECTION 18. 19.44 (1) (ce) of the statutes is created to read:

23 19.44 (1) (ce) The identity of any person, other than a relative, for whom the  
24 individual who is required to file guaranteed a loan in the amount of \$5,000 or more  
25 and the identity of the creditor who made the loan.

1           **SECTION 19.** 19.44 (1) (d) of the statutes is amended to read:

2           19.44 (1) (d) The real property located in this state in which the individual who  
3 is required to file or such individual's immediate family ~~holds~~ held an interest during  
4 the period to which the statement applies, other than the principal residence of the  
5 individual or his or her immediate family, and the nature of the interest held. An  
6 individual's interest in real property does not include a proportional share of  
7 interests in real property if the individual's proportional share is was less than 10%  
8 10 percent of the outstanding shares or is was less than an equity value of \$5,000 at  
9 all times during that period.

10           **SECTION 20.** 19.44 (1) (fm) of the statutes is created to read:

11           19.44 (1) (fm) If the individual who is required to file, or a member of his or her  
12 immediate family, severally or in the aggregate, owns or controls 5 percent or more  
13 of a business, the identity of the business.

14           **SECTION 21.** 49.45 (29w) of the statutes is created to read:

15           49.45 (29w) MENTAL HEALTH SERVICES. (a) In providing mental health benefits  
16 under this subchapter, the department shall do all of the following:

17           1. Allow a severely emotionally disturbed child, as defined in sub. (25) (a), to  
18 access in-home therapy without having to show a failure to succeed in outpatient  
19 therapy.

20           2. Allow qualifying families to participate in in-home therapy even if a child  
21 in that family is enrolled in a day treatment program.

22           3. Limit the prior authorization form used to obtain outpatient mental health  
23 services to the following elements:

24           a. Diagnostic criteria and symptoms.

25           b. Patient identification.

1 c. Provider identification.

2 d. Modality and and frequency of treatment.

3 e. Goals of treatment.

4 f. Discharge criteria from treatment.

5 (b) 1. In this paragraph:

6 a. "Telehealth" is the use of electronic information and telecommunication  
7 technology to provide long-distance health care and education.

8 b. "Telecommunication technology" includes telephone, videoconferencing,  
9 Internet sites, streaming media, and wired and wireless communication.

10 2. Mental health services provided through telehealth by a physician who is  
11 licensed in this state are reimbursable by the Medical Assistance program under this  
12 subchapter even if the physician providing the service through telehealth is located  
13 outside of the state.

14 **SECTION 22. Initial applicability.**

15 (1) In this section, "state public office" has the meaning given in section 19.42  
16 (13) of the statutes.

17 (2) This act first applies to a state public official holding or a nominee or  
18 candidate for state public office who becomes subject to a requirement to file an  
19 initial or updated statement of economic interests under section 19.43 of the statutes  
20 on the effective date of this subsection.

21 **SECTION 23. Initial applicability.**

22 (1) This act first applies to a state public official, nominee, or candidate for state  
23 public office who becomes subject to a requirement to file an initial or updated  
24 statement of economic interests on the effective date of this subsection.

25 (END)

**2013-2014 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4217/P1insJK  
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**Insert JK**

3. e ④ The bill provides that an individual who is required to file a statement of economic interests include in that statement the identity of any person, other than a relative, who owes the individual \$5,000 or more; the identity of any person, other than a relative, for whom the individual guaranteed a loan in the amount of \$5,000 or more and the identity of the creditor who made the loan; and the identity of any business for which the individual, or a member of his or her immediate family, owns or controls a 5 percent or greater interest.

4. e ⑤ Under current law, an individual's statements of economic interests must identify every organization in which the individual owns securities having a value of \$5,000 or more. For reporting purposes, a security does not include a certificate of deposit or a deposit in a financial institution organized in this state. Under the bill, a security also does not include money market funds or mutual funds.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3684/1

TKK:cjs:rs

2013 BILL

- 1 AN ACT *to amend* 19.42 (14) of the statutes; **relating to:** making code of ethics  
2 applicable to state public officials—elect.

*Analysis by the Legislative Reference Bureau*

Under current law, state public officials are subject to a Code of Ethics for Public Officials and Employees. Current law defines a state public official to include both individuals appointed to their office, such as persons appointed by the governor, and individuals elected into office, including the governor, state supreme court justices, and members of the state assembly and state senate. The code of ethics includes standards of conduct to guide the official in taking actions while in office. Under the code of ethics, for example, state public officials are generally prohibited from taking official actions substantially affecting a matter in which the official or his or her family or an organization with which the official is associated has a substantial financial interest. The code of ethics also prohibits state public officials from accepting any transportation, lodging, meals, food, or beverages, except as expressly authorized by law.

This bill extends coverage of the code to apply to individuals whose names are certified as having won election to office and who qualify to assume office but who have not yet assumed office.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

# BILL

## SECTION 1

Insert 5-22

1           **SECTION 1.** 19.42 (14) of the statutes is amended to read:

2           19.42 (14) “State public official” means any individual holding who holds a  
3           state public office or any individual whose name is certified under s. 7.70 (3) (g) as  
4           having been elected to and who qualifies to assume a state public office but whose  
5           term of office has not yet commenced.

(END)

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4217/P1ins  
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**INSERT ANALYSIS TK-B**

SIX

6. This bill requires an official who leaves office and who was subject to the requirement to file a statement of economic interest, but who had not done so within the 6 months prior to leaving office to file a statement of economic interests within 21 days after leaving office. The official must report on the statement of economic interests information for the entire 12<sup>↓</sup>-month period beginning one year prior to the date the official leaves office and ending on the date the official leaves office.

**INSERT 5-17**

- 1           (2) A member of the legislature who fails to attend or complete the ethics
- 2           training as required under sub. (1) shall forfeit any per diem and expense allowance
- 3           for which that member is eligible on the day on which the training is provided.

\*\*\*NOTE: Does this accomplish your objectives?



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-4217/P1

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stays *RMR*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

3/4/14

Wanted 3/5/14 or sooner,  
time permitting

*Regen*

1 **AN ACT** *to renumber and amend* 19.44 (1) (b); *to amend* 19.42 (12), 19.42 (14),  
2 19.43 (1), 19.43 (2), 19.43 (3), 19.43 (4), 19.43 (8), 19.44 (1) (a) (intro.), 19.44 (1)  
3 (c) and 19.44 (1) (d); and *to create* 13.025, 19.43 (2m), 19.44 (1) (b) 1., 19.44 (1)  
4 (cd), 19.44 (1) (ce) and 19.44 (1) (fm) of the statutes; **relating to:** ethics training  
5 for legislators-elect; making the code of ethics applicable to state public  
6 officials-elect; and the requirement to file and the required content of  
7 statements of economic interests.

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***Analysis by the Legislative Reference Bureau***

Currently, the Government Accountability Board (board) administers programs to explain the laws that regulate lobbying and prescribe codes of ethics for state public and elected officials. These programs are offered to state public officials, elective public officials, and candidates for public office, among others. This bill requires each member of the legislature to complete two hours of ethics training administered by the board within three months after taking the oath of legislative office and one hour of ethics training after being reelected in any immediately succeeding election.

Under current law, state public officials are subject to a Code of Ethics for Public Officials and Employees. Current law defines a state public official to include both individuals appointed to their office, such as persons appointed by the governor, and

*A legislator who fails to complete the ethics training within the specified time period must forfeit any per diem and expense allowance for which the legislator would be eligible on the last day the training is provided.*



individuals elected into office, including the governor, state supreme court justices, and members of the state assembly and state senate. The code of ethics includes standards of conduct to guide the official in taking actions while in office. Under the code of ethics, for example, state public officials are generally prohibited from taking official actions substantially affecting a matter in which the official or his or her family or an organization with which the official is associated has a substantial financial interest. The code of ethics also prohibits state public officials from accepting any transportation, lodging, meals, food, or beverages, except as expressly authorized by law.

This bill extends coverage of the code to apply to individuals whose names are certified as having won election to office and who qualify to assume office but who have not yet assumed office.

Current law requires state public officials and nominees and candidates for state public office to file statements of economic interests with the board. Current law defines “state public official” to include individuals appointed to their office, such as appointees of the governor, and individuals elected into office, such as members of the state assembly and state senate, the governor, and state supreme court justices. This bill makes changes to the requirements to file and to the content of these statements, including the following:

1. Currently, a state public official who serves in office during January of any year must file a statement of economic interests with the board covering the preceding calendar year no later than April 30 following the calendar year. This bill changes the filing deadline to February 28.

2. Currently, a state public official, an appointee to a state public office, or a nominee or candidate for state public office must file a statement of economic interests that is current as of a date specified by law. In addition to other information, the statement identifies certain organizations with which the individual or a member of his or her immediate family is associated or has an ownership interest, and certain creditors and real estate holdings of the individual or a member of his or her immediate family. This bill requires this information to be provided for the entire 12-month period preceding and ending on the date for which the information is currently required to be provided.

3. The bill provides that an individual who is required to file a statement of economic interests include in that statement the identity of any person, other than a relative, who owes the individual \$5,000 or more; the identity of any person, other than a relative, for whom the individual guaranteed a loan in the amount of \$5,000 or more and the identity of the creditor who made the loan; and the identity of any business for which the individual, or a member of his or her immediate family, owns or controls a 5 percent or greater interest.

4. Under current law, an individual’s statement of economic interests must identify every organization in which the individual owns securities having a value of \$5,000 or more. For reporting purposes, a security does not include a certificate of deposit or a deposit in a financial institution organized in this state. Under the bill, a security also does not include money market funds or mutual funds.

5. Currently, a state public official who serves in office during January of any year and who assumes that office or another state public office in that same month or who is nominated for appointment to that office or another state public office in that same month is subject to the requirement to file a regular statement of economic interests, which must be current to December 31 of the preceding year, as well as a requirement to file a special statement of economic interests, which must be current to the date the official assumes office or the nominee is nominated. This bill provides that such an official or nominee is subject only to a requirement to file a statement of economic interests that is current to the date on which the official assumes office or the nominee is nominated.

6. This bill requires an official who leaves office and who was subject to the requirement to file a statement of economic interests but who had not done so within the six months prior to leaving office to file a statement of economic interests within 21 days after leaving office. The official must report on the statement of economic interests information for the entire 12-month period beginning one year prior to the date the official leaves office and ending on the date the official leaves office.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 SECTION 1. 13.025 of the statutes is created to read:

2 13.025 Ethics training for members. (1) Each member of the legislature  
3 shall complete 2 hours of ethics training administered by the government  
4 accountability board under s. 19.48 (9) within 3 months after taking the oath of office,  
5 and shall complete one hour of ethics training within 3 months after taking the oath  
6 of office subsequent to any immediately succeeding election.

7 (2) A member of the legislature who fails to attend or complete the ethics  
8 training as required under sub. (1) shall <sup>at the end of the last day on which the training</sup> forfeit any per diem and expense allowance <sup>is provided</sup>  
9 <sup>would be to receive for that</sup> for which that member is eligible on the day on which the training is provided.

\*\*\*\*NOTE: Does this accomplish your objectives?

10 SECTION 2. 19.42 (12) of the statutes is amended to read:

11 19.42 (12) "Security" has the meaning given under s. 551.102 (28), except that  
12 the term does not include a certificate of deposit, money market funds, mutual funds,

1 or a deposit in a savings and loan association, savings bank, credit union, or similar  
2 association organized under the laws of any state.

3 **SECTION 3.** 19.42 (14) of the statutes is amended to read:

4 19.42 (14) "State public official" means any individual ~~holding who holds~~ a  
5 state public office or any individual whose name is certified under s. 7.70 (3) (g) as  
6 having been elected to and who qualifies to assume a state public office but whose  
7 term of office has not yet commenced.

8 **SECTION 4.** 19.43 (1) of the statutes is amended to read:

9 19.43 (1) Each individual who in January of any year is an official required to  
10 file shall file with the board no later than ~~April 30~~ February 28 of that year a  
11 statement of economic interests meeting each of the requirements of s. 19.44 (1). The  
12 information contained on the statement shall be ~~current as of~~ provided for the period  
13 beginning on January 1 and ending on December 31 of the preceding year. This  
14 subsection does not apply to an official required to file who assumes office or is  
15 nominated in January of any year, with respect to the year in which the official  
16 assumes office or is nominated, if the official is required to file a report under sub.  
17 (2) or (3) in that year.

18 **SECTION 5.** 19.43 (2) of the statutes is amended to read:

19 19.43 (2) An official required to file shall file with the board a statement of  
20 economic interests meeting each of the requirements of s. 19.44 (1) no later than 21  
21 days following the date he or she assumes office if the official has not previously filed  
22 a statement of economic interests with the board during that year. The information  
23 on the statement shall be ~~current as per~~ provided for the period beginning one year  
24 prior to the date the official assumes office and ending on the date he or she assumes  
25 office.

1           **SECTION 6.** 19.43 (2m) of the statutes is created to read:

2           **19.43 (2m)** An official required to file shall file with the board a statement of  
3           economic interests meeting each of the requirements of s. 19.44 (1) no later than 21  
4           days following the date he or she leaves office if the official has not previously filed  
5           a statement of economic interests with the board within the 6 months preceding the  
6           date he or she leaves office. The information on the statement shall be provided for  
7           the period beginning one year prior to the date the official leaves office and ending  
8           on the date he or she leaves office.

9           **SECTION 7.** 19.43 (3) of the statutes is amended to read:

10          **19.43 (3)** A nominee shall file with the board a statement of economic interests  
11          meeting each of the requirements of s. 19.44 (1) within 21 days of being nominated  
12          unless the nominee has previously filed a statement of economic interests with the  
13          board during that year. The information on the statement shall be ~~current as per~~  
14          provided for the period beginning one year prior to the date the nominee was  
15          nominated and ending on the date he or she was nominated. Following the receipt  
16          of a nominee's statement of economic interests, the board shall forward copies of such  
17          statement to the members of the committee of the senate to which the nomination  
18          is referred.

19          **SECTION 8.** 19.43 (4) of the statutes is amended to read:

20          **19.43 (4)** A candidate for state public office shall file with the board a statement  
21          of economic interests meeting each of the requirements of s. 19.44 (1) no later than  
22          4:30 p.m. on the ~~3rd day following the last day permitted for filing that candidate to~~  
23          file nomination papers for the office which the candidate seeks, ~~or no later than 4:30~~  
24          ~~p.m. on the next business day after the last day whenever that candidate is granted~~  
25          ~~an extension of time for filing nomination papers or a declaration of candidacy under~~

1 s. 8.05 (1) (j), 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th  
2 day after notification of nomination is mailed or personally delivered to the  
3 candidate by the municipal clerk in the case of a candidate who is nominated at a  
4 caucus, or no later than 4:30 p.m. on the 3rd day after notification of nomination is  
5 mailed or personally delivered to the candidate by the appropriate official or agency  
6 in the case of a write-in candidate or candidate who is appointed to fill a vacancy in  
7 nomination under s. 8.35 (2) (a). The information contained on the statement shall  
8 be ~~current as of~~ provided for the period beginning on January 1 of the year preceding  
9 the filing deadline and ending on December 31 of the year preceding the filing  
10 deadline. Before certifying the name of any candidate for state public office under  
11 s. 7.08 (2) (a), the government accountability board, municipal clerk, or board of  
12 election commissioners shall ascertain whether that candidate has complied with  
13 this subsection. If not, the government accountability board, municipal clerk, or  
14 board of election commissioners may not certify the candidate's name for ballot  
15 placement.

16 **SECTION 9.** 19.43 (8) of the statutes is amended to read:

17 19.43 (8) ~~On its own motion or at~~ At the written request of any individual who  
18 is required to file a statement of economic interests, received by the board prior to  
19 the latest time prescribed by law for filing the statement, the board may shall extend  
20 the time for filing ~~or~~ a statement by 3 days. On its own motion or at the request of  
21 any individual who is required to file a statement of economic interests, the board  
22 may waive any filing requirement, other than a filing deadline, if the board  
23 determines that the literal application of the filing requirements of this subchapter  
24 would work an unreasonable hardship on that individual or that the ~~extension of the~~

1 ~~time for filing or~~ waiver is in the public interest. The board shall set forth in writing  
2 as a matter of public record its reason for the ~~extension or~~ waiver.

3 **SECTION 10.** 19.44 (1) (a) (intro.) of the statutes is amended to read:

4 19.44 (1) (a) (intro.) The identity of every organization with which the  
5 individual required to file ~~is was~~ associated during the period to which the statement  
6 applies and the nature of his or her association with the organization, except that no  
7 identification need be made of:

8 **SECTION 11.** 19.44 (1) (b) of the statutes is renumbered 19.44 (1) (b) (intro.) and  
9 amended to read:

10 19.44 (1) (b) (intro.) The identity of every organization or body politic in which  
11 the individual who is required to file or that individual's immediate family, severally  
12 or in the aggregate, ~~owns~~ owned, directly or indirectly, during the period to which the  
13 statement applies, securities having a value of \$5,000 or more, the identity of such  
14 securities and their approximate value on the last day of that period or on the date  
15 that the securities were disposed of, whichever is earlier, except that ~~no~~:

16 2. No identification need be made of a security or issuer of a security when it  
17 is issued by any organization not doing business in this state or by any government  
18 or instrumentality or agency thereof, or an authority or public corporation created  
19 and regulated by an act of such government, other than the state of Wisconsin, its  
20 instrumentalities, agencies and political subdivisions, or authorities or public  
21 corporations created and regulated by an act of the legislature.

22 **SECTION 12.** 19.44 (1) (b) 1. of the statutes is created to read:

23 19.44 (1) (b) 1. Identification of a security issued by an organization is required  
24 only if the security consists of an ownership interest in a particular profit-making  
25 business or an industry group.

1           **SECTION 13.** 19.44 (1) (c) of the statutes is amended to read:

2           19.44 (1) (c) The name of any creditor to whom the individual who is required  
3           to file or such individual's immediate family, severally or in the aggregate, ~~owes~~ owed  
4           \$5,000 or more during the period to which the statement applies and the maximum  
5           approximate amount owed during that period.

6           **SECTION 14.** 19.44 (1) (cd) of the statutes is created to read:

7           19.44 (1) (cd) The identity of any person, other than a relative, who owes the  
8           individual who is required to file \$5,000 or more.

9           **SECTION 15.** 19.44 (1) (ce) of the statutes is created to read:

10          19.44 (1) (ce) The identity of any person, other than a relative, for whom the  
11          individual who is required to file guaranteed a loan in the amount of \$5,000 or more  
12          and the identity of the creditor who made the loan.

13          **SECTION 16.** 19.44 (1) (d) of the statutes is amended to read:

14          19.44 (1) (d) The real property located in this state in which the individual who  
15          is required to file or such individual's immediate family ~~holds~~ held an interest during  
16          the period to which the statement applies, other than the principal residence of the  
17          individual or his or her immediate family, and the nature of the interest held. An  
18          individual's interest in real property does not include a proportional share of  
19          interests in real property if the individual's proportional share is was less than 10%  
20          10 percent of the outstanding shares or is was less than an equity value of \$5,000 at  
21          all times during that period.

22          **SECTION 17.** 19.44 (1) (fm) of the statutes is created to read:

23          19.44 (1) (fm) If the individual who is required to file, or a member of his or her  
24          immediate family, severally or in the aggregate, owns or controls 5 percent or more  
25          of a business, the identity of the business.

**SECTION 18. Initial applicability.**

(1) In this section, “state public office” has the meaning given in section 19.42 (13) of the statutes.

(2) This act first applies to a state public official holding or a nominee or candidate for state public office who becomes subject to a requirement to file an initial or updated statement of economic interests under section 19.43 of the statutes on the effective date of this subsection.

(END)



**Parisi, Lori**

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**From:** Divine, Kathy  
**Sent:** Thursday, March 13, 2014 10:22 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -4217/1 Topic: Ethics training for legislators, filing and contents of statement of economic interest, apply standards of conduct to officials-elect

Please Jacket LRB -4217/1 for the ASSEMBLY.